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AUG 18 2004

~~OFFICIAL~~**To:**

NAME:	FACSIMILE:
MS RCE U.S. Patent and Trademark Office	(703) 872-9306

FROM: Otis B. Littlefield, Reg. No. 48,751

DATE: August 18, 2004

NUMBER OF PAGES WITH COVER PAGE: 12

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Re: U.S. Patent Application Serial No. 10/014,220
For: HS-40 ENHANCER-CONTAINING VECTOR IN TRANSGENIC ANIMALS
By: Che-Kun James SHEN
Our Reference: 51416-20001.20

Papers attached herewith:

1. RCE Transmittal (1 page)
2. Fee Transmittal (in duplicate, 2 pages)
3. Petition for Extension of Time (1 page)
2. Amendment Under 37 CFR 1.111 (7 pages)

Comments:

Please see attached documents. Thank you.

sf-1763957

PTO/SB/30 (08-03)

Approved for use through 07/31/2006. OMB 0551-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Request For Continued Examination (RCE) Transmittal Address to: MS RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	10/014,220
	Filing Date	November 9, 2001
	First Named Inventor	Che-Kun James SHEN
	Art Unit	1636
	Examiner Name	S. Kaushal
	Attorney Docket Number	514162000120

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
 Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

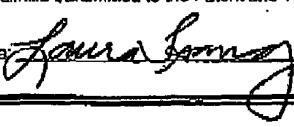
1. Submission required under 37 CFR 1.114 Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).	
a. <input type="checkbox"/> Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked. <ul style="list-style-type: none"> i. <input type="checkbox"/> Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____ ii. <input type="checkbox"/> Other _____ 	
b. <input checked="" type="checkbox"/> Enclosed <ul style="list-style-type: none"> i. <input checked="" type="checkbox"/> Amendment/Reply (7 pages) ii. <input type="checkbox"/> Affidavit(s)/Declaration(s) iii. <input type="checkbox"/> Information Disclosure Statement (IDS) iv. <input type="checkbox"/> Other _____ 	
2. Miscellaneous <ul style="list-style-type: none"> a. <input type="checkbox"/> Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required) b. <input type="checkbox"/> Other _____ 	
3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.	
a. <input checked="" type="checkbox"/> The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 03-1952 <ul style="list-style-type: none"> i. <input checked="" type="checkbox"/> RCE fee required under 37 CFR 1.17(e) ii. <input checked="" type="checkbox"/> Extension of time fee (37 CFR 1.136 and 1.17) iii. <input checked="" type="checkbox"/> Other <u>Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate (2 pages)</u> 	
b. <input type="checkbox"/> Check in the amount of \$ _____ enclosed	
c. <input type="checkbox"/> Payment by credit card (Form PTO-2038 enclosed)	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Otis Littlefield (Customer No. 20872)	Registration No. (Attorney/Agent)	48,751
Signature			Date August 18, 2004

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 672-9306, on the date shown below.

Dated: August 18, 2004

Signature  (Laura Tsang)

sf-1763921

PTO/SB/17 (10-08)

Approved for use through 7/31/2008. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 860.00)

Complete if Known

Application Number	10/014,220
Filing Date	November 9, 2001
First Named Inventor	Che-Kun James SHEN
Examiner Name	S. Kaushal
Art Unit	1636
Attorney Docket No.	514162000120

METHOD OF PAYMENT (check all that apply)

 Check Credit Card Money Order Other None
 Deposit Account:

Deposit Account Number 03-1952

Deposit Account Name Morrison & Foerster LLP

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

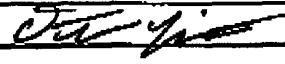
3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051 770	2001 385	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1063 130	1059 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner's action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner's action	
1251 110	2251 80	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 850	2253 475	Extension for reply within third month	475.00
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 200	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2602 240	Design issue fee	
1503 640	2603 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	385.00
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
Reduced by Basic Filing Fee Paid		SUBTOTAL (3) (\$ 860.00)	

*or number previously paid, if greater. For Reissues, see above

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Otis Littlefield	Registration No. (Attorney/Agent)	48,751	Telephone	(415) 268-6846
Signature				Date	August 18, 2004

sf-1763924

PTO/SB/17 (10-03)

Approved for use through 7/31/2005. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2002. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (S) 860.00

Complete if Known

Application Number	10/014,220
Filing Date	November 9, 2001
First Named Inventor	Chen-Kun James SHEN
Examiner Name	S. Kaushal
Art Unit	1636
Attorney Docket No.	514162000120

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None

Deposit Account:

Deposit Account Number 03-1952

Deposit Account Name Morrison & Foerster LLP

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit only overpayments

Charge any additional fee(s) or any underpayment of fee(s)

Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity	Small Entity
Fee Code (\$)	Fee Code (\$)
1051 130	2051 65
1052 50	2052 25
1053 130	1053 180
1812 2,520	1812 2,520
1804 920*	1804 520*
1805 1,840*	1805 1,840*
1261 110	2251 55
1252 420	2252 210
1253 950	2253 475
1254 1,480	2254 740
1255 2,010	2255 1,005
1401 230	2401 165
1402 930	2402 185
1403 290	2403 145
1451 1,510	1451 1,510
1452 110	2452 55
1453 1,330	2453 865
1501 1,330	2501 685
1502 480	2502 240
1603 640	2503 320
1480 130	1480 130
1807 60	1807 50
1808 180	1808 180
8021 40	8021 40
1909 770	2809 385
1810 770	2810 385
1801 770	2801 385
1802 900	1802 900
Other fee (specify)	
*Reduced from Basic Filing Fee Paid	
SUBTOTAL (3) (S) 860.00	

1. BASIC FILING FEE

Large Entity	Small Entity
Fee Code (\$)	Fee Code (\$)
1001 770	2001 365
1002 340	2002 170
1003 590	2003 265
1004 770	2004 385
1005 180	2005 90

SUBTOTAL (1) (S) 0.00**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	-20 =	Extra Fee from claims below	= Fee Paid
14	-20 =	0 x 9 =	= 0.00
Independent Claims 1	-3 =	0 x 43 =	= 0.00
Multiple Dependent		145 =	= 0.00

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 85	2204 43	" Reissue independent claims over original patent
1205 18	2205 9	" Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (S) 0.00

** or number previously paid, # greater; For Reissues, see above

DUPLICATE FORMS ARE NOT FILED

SUBTOTAL (3) (S) 860.00

(Complete if applicable)

Name (Print/Type) Otis Littlefield	Registration No. (Attorney/Agent) 48,751	Telephone (415) 268-6846
Signature 	Date	August 18, 2004

sf-1763924

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AUG 18 2004

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Dated: August 18, 2004

Signature:

(Laura Teang)

Docket No.: 514162000120
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Che-Kun James SHEN

Application No.: 10/014,220

Art Unit: 1636

Filed: November 9, 2001

Examiner: S. Kaushal

For: HS-40 ENHANCER-CONTAINING VECTOR
IN TRANSGENIC ANIMALS

AMENDMENT UNDER 37 CFR 1.111

MS RCB
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

This is in response to the Final Office Action dated March 9, 2004 (Paper No. 0204) and the Advisory Action dated June 26, 2004, for which a response was due on June 9, 2004. A three-month extension of time is requested, extending the deadline to September 9, 2004. Accordingly, this response is timely filed. Reconsideration and allowance of the pending claims, as amended, in light of the remarks presented herein are respectfully requested.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.

sf-1758745